

**BOARD OF SUPERVISORS
TRANSPORTATION & LAND USE COMMITTEE
ACTION ITEM**

SUBJECT: Intent to Amend the Loudoun County Zoning Ordinance/
ZOAM 2007-0004, Farm Markets in Various Zoning Districts

ELECTION DISTRICTS: County-wide

CRITICAL ACTION DATE: At the Pleasure of the Board

STAFF CONTACTS :

Michelle Lohr, Zoning Administration
Marilee Seigfried, Deputy Zoning Administrator
Terrance Wharton, Acting Zoning Administrator

RECOMMENDATIONS

Planning Commission: The Planning Commission voted unanimously on May 8, 2008 to forward ZOAM 2007-0004 to the Board of Supervisors with a recommendation that a new Resolution of Intent to Amend the Zoning Ordinance be adopted.

Staff: Staff concurs with the Planning Commission recommendation.

BACKGROUND

On July 9, 2007, the Planning Commission adopted a resolution giving notice of its intent to amend the Revised 1993 Loudoun County Zoning Ordinance to add Farm Markets without agricultural production on-site, which sell agricultural, horticultural, and aquacultural goods produced in Loudoun County, as a permitted use pursuant to Section 5-603 in the following districts: AR-1, AR-2, JLMA-2, R-1, R-2, R-3, R-4, R-8, R-16, R-24, PD-CC, PD-OP, PD-RDP, PD-IP, and PD-GI. The proposal also sought to amend the Additional Regulations for Specific Uses related to Farm Markets and to amend the definition of Farm Market. The Planning Commission held a public hearing on November 19, 2007 and forwarded ZOAM 2007-0004 to the Board of Supervisors with a recommendation of approval (5-1-1-2).

On January 8, 2008, the Board of Supervisors held a public hearing regarding ZOAM 2007-0004 and forwarded the issue to the Planning Commission for further review, specifying that part of that review include input from the Rural Economic Development Council (REDC), before returning the proposed zoning ordinance amendment to the Board of Supervisors.

After receiving input from the REDC and reviewing the proposed amendments to the Zoning Ordinance, the Planning Commission voted unanimously to forward ZOAM 2007-0004 to the Board of Supervisors with a recommendation that a new Resolution of Intent to Amend the Zoning Ordinance be adopted. Amendments proposed include permitting Farm Markets by special exception on properties that do not have on-site agricultural production in the AR-1, AR-2, JLMA-1, JLMA-2, JLMA-3, JLMA-20, TR-10, TR-3, TR-2, TR-1 zoning districts, amendments to insure consistency between the definition of Farm Market in Article 8 and Section 5-603 (Additional Regulations), specifying a percentage of the products sold at a Farm Market to be produced in Loudoun County, amending Section 6-700 Site Plans to include additional zoning districts to the list of districts in which Farm Markets can be developed with

a Rural Sketch Plan, developing performance standards which address parking, screening, and facility size, and insuring consistency in the method of product measurement (as a percentage of gross sales receipts versus percentage of products sold).

As currently drafted, staff believes that this Zoning Ordinance amendment can be achieved with a minor level of service (4-6 months). A list of currently pending zoning ordinance amendments is included as Attachment 7. Staff has available resources to manage this amendment even if the proposed amendments to the sign ordinance and zoning overlays move forward.

ISSUES:

1. *Inconsistencies in the Zoning Ordinance.* The proposed amendments to the Zoning Ordinance will remove inconsistencies between the Article 8 definition of Farm Market and the Additional Standards for Farm Markets in Section 5-603.
2. *Recommendations of the Rural Economic Development Council.* The proposed amendments to the Zoning Ordinance will address recommendations of the REDC to allow Farm Markets on properties that do not have on-site agricultural production in appropriate zoning districts by special exception.
3. *Requirements for Farm Markets.* The proposed amendments will consider parking requirements, buffering and screening requirements, site plan requirements, and performance standards for farm markets.

FISCAL IMPACT: There are no fiscal impacts associated with this zoning ordinance amendment.

ALTERNATIVES:

1. The Transportation and Land Use Committee can take no action regarding ZOAM 2007-0004.
2. The Transportation Land Use Committee can forward ZOAM 2007-0004 to the Board of Supervisors with a recommendation to adopt a new Resolution of Intent to Amend the Zoning Ordinance.

SUGGESTED MOTIONS:

- 1) I move that the Transportation and Land Use Committee forward ZOAM 2007-0004 to the Board of Supervisors with a recommendation to adopt a new resolution of Intent to Amend the Zoning Ordinance to incorporate the recommendations of the Rural Economic Development Council, to permit farm markets by special exception on properties that do not have on-site agricultural production which sell agricultural, horticultural and aquacultural goods produced in Loudoun County and as further set forth in Attachment 1;
- 2) I move that the Transportation and Land Use Committee take no action regarding ZOAM 2007-0004.

or

- 3) I move an alternate motion.

ATTACHMENTS:

1. Draft Resolution of Intent to Amend the Zoning Ordinance in regard to Farm Markets.
2. May 8, 2008 Planning Commission Committee of the Whole Staff Report.
3. Rural Economic Development Council letter transmitting April 7, 2008 recommendation regarding Farm Markets.
4. February 21, 2008 Planning Commission Committee of the Whole Staff Report.
5. January 8, 2008 Board of Supervisors Public Hearing Action Report.
6. July 9, 2007 Planning Commission Resolution of Intent to Amend the Zoning Ordinance regarding Farm Markets.
7. Excerpt from Board of Supervisors Strategic Plan dated October 21, 2008 (page 12 "Staff Suggested Timeline for Policy Initiatives" and pp. 14-16), "Potential Amendment/Policy Initiatives revised October 2008".

RESOLUTION OF INTENT TO AMEND
THE LOUDOUN COUNTY ZONING ORDINANCE

WHEREAS, the Board of Supervisors wishes to amend the Loudoun County Zoning Ordinance in furtherance of the purposes of zoning as set out in Section 15.2-2283 of the Code of Virginia and to further implement the comprehensive plan;

WHEREAS, the Board of Supervisors held a public hearing on proposed amendments to the Zoning Ordinance with regard to Farm Markets on January 8, 2008;

WHEREAS, the Board of Supervisors forwarded ZOAM 2007-0004 to the Planning Commission for further review directing that part of that review include input from the Rural Economic Development Council (REDC) before forwarding to the Board of Supervisors;

WHEREAS, the Planning Commission reviewed the proposed amendments to the Zoning Ordinance and received recommendations from the REDC regarding the proposed amendments;


WHEREAS, the Planning Commission, on May 8, 2008, voted to recommend to the Board of Supervisors to initiate a new Resolution of Intent to Amend the Zoning Ordinance to incorporate the recommendations of the REDC to add farm markets as a special exception use on properties that do not have agricultural production on-site in the AR-1, AR-2, JLMA-1, JLMA-2, JLMA-3, JLMA-20, TR-10, TR-3, TR-2, and TR-1 zoning districts, to amend Section 5-603 to establish a minimum percentage of the products sold at the farm market that must be produced in Loudoun County, to amend Section 6-700 to add the JLMA and TR zoning districts to the list of districts in which farm markets can be developed with a rural sketch plan, to develop performance standards which address parking, screening, and facility size, and to make the terminology of the Article 8 definition of Farm Market ("25% of the products" sold) consistent with the terminology of Section 5-603 ("25% of the gross receipts").

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors states its intention to amend the Loudoun County Zoning Ordinance to:

1. Amend the Zoning Ordinance to permit farm markets which sell agricultural, horticultural and aquacultural goods produced in Loudoun County by special exception on properties that do not have on-site agricultural production in various zoning districts, including the AR-1, AR-2, JLMA-1, JLMA-2, JLMA-3, JLMA-20, TR-10, TR-3, TR-2, and TR-1 zoning districts;
2. Amend the use tables and use lists in appropriate zoning districts;
3. Amend the Zoning Ordinance to achieve consistency between the definition of Farm Market in Article 8 and Section 5-603 (Additional Regulations), including the requirement for a portion of the products sold at a Farm Market to be produced in Loudoun County and the terminologies "25% of the products sold" and "25% of the gross receipts";
3. Initiate revisions to other sections of the Loudoun County Zoning Ordinance as necessary to implement and maintain consistency with the proposed revisions regarding farm markets, including without limitation, facility size requirements in Section 5-603, performance standards in Article 5; site plan requirements in Section 6-700, buffering and screening requirements in Section 5-1400 and Section 5-653, parking requirements in Section 5-1200; and other sections as necessary and appropriate to implement these amendments; and

BE IT FURTHER RESOLVED that the Board of Supervisors finds that the initiation of these amendments is in furtherance of the public necessity, convenience, general welfare, and zoning practice; and that the proposed amendments on these matters be brought forward for notice, hearing, Planning Commission recommendation and Board of Supervisors' action.

COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
MEMORANDUM

DATE: May 1, 2008
TO: Loudoun County Planning Commission
FROM: Michelle M. Lohr, Project Manager 
SUBJECT: Farm Markets in Various Zoning Districts – ZOAM 2007-0004
May 8, 2008 Committee of the Whole

SUMMARY

On January 8, 2008, the Board of Supervisors held a public hearing regarding ZOAM 2007-0004 and forwarded the issue to the Planning Commission for further review and with part of that review to include input from the Rural Economic Development Council (REDC) before returning the proposed zoning ordinance amendment to the Board of Supervisors.

REDC Recommendation: At its February 21, 2008 Committee of the Whole meeting, the Planning Commission forwarded the issue of Farm Markets to the Rural Economic Development Council (REDC) for its recommendation. The REDC met on April 7, 2008 and made the following recommendations:

- Accept the definition of Farm Market that includes that a minimum of 25% of the products sold be produced in Loudoun County.
- Retain the Farm Market use as a permitted use within the on-site agricultural use category.
- Add Farm Market as a special exception use within the Retail Sales and Service Category for enterprises without on-site agricultural activity.
- Only require a Rural Sketch Plan for a Farm Market in AR-1, AR-2, JLMA 1, 2, 3, 10, and 20; however a standard site plan should be required in other zoning districts.

The letter from the REDC and the staff report from the February 21, 2008 Committee of the Whole are attached for reference [Attachments 1 and 2].

Staff Recommendations: Staff recommends the following:

1. The Planning Commission forward a recommendation to the Board of Supervisors to initiate a new resolution of Intent to Amend the Zoning Ordinance based on the recommendations of the Rural Economic Development Council. The original Intent to Amend was adopted by the Planning Commission 10 months ago and two public hearings have been held on the subject, with the Farm Market use proposed as a by-right use rather than a special exception use on properties that do not have agricultural production on site. In considering a new Intent to Amend, the Board can assign priorities to the proposed zoning ordinance amendments and allocate staff resources to complete the amendment process.
2. Incorporate the districts in the rural and transition policy areas (AR-1, AR-2, JLMA-1, JLMA-2, JLMA-3, JLMA-20, TR-10, TR-3, TR-2, TR-1) rather than those identified in the original recommendations.

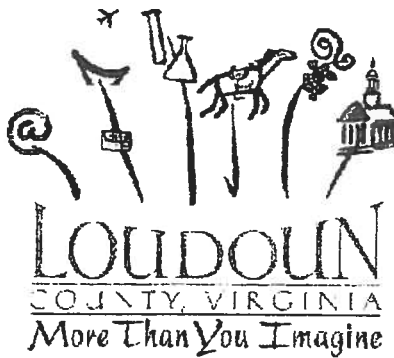
3. Amend Section 5-603, the additional regulations for Farm Markets, to be consistent with the definition of a Farm Market in that a certain percentage of the products sold at the Farm Market must be produced in Loudoun County.
4. Amend Section 6-700 to add the JLMA and TR districts to the list of districts in which Farm Markets can be developed with a Rural Sketch Plan.

SUGGESTED MOTIONS:

- 1) I move that the Planning Commission take no action regarding ZOAM 2007-0004.
- 2) I move that the Planning Commission forward ZOAM 2007-0004 to the Board of Supervisors with a recommendation to adopt a new resolution of Intent to Amend the Zoning Ordinance to incorporate the recommendations of the Rural Economic Development Council, to include Farm Markets by special exception on properties that do not have agricultural production on site in the AR-1, AR-2, JLMA-1, JLMA-2, JLMA-3, JLMA-20, TR-10, TR-3, TR-2, TR-1 zoning districts, to amend Section 5-603 to state that a percentage of the products sold at a Farm Market must be produced in Loudoun County, and to amend Section 6-700 to add the JLMA and TR districts to the list of districts in which Farm Markets can be developed with a Rural Sketch Plan.
- 3) I move an alternate motion.

ATTACHMENTS:

1. Rural Economic Development Council Recommendation letter regarding Farm Markets.
2. February 21, 2008 Planning Commission Committee of the Whole Staff Report.



Ms. Christeen Tolle
Chair, Planning Commission

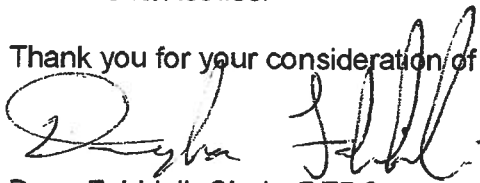
Dear Ms. Tolle:

With this letter I am transmitting to you a motion adopted by the Rural Economic Development Council at its April 7, 2008 meeting in connection with the definition of Farm Market as set out in the Loudoun County 1993 Revised Zoning Ordinance.

The Rural Economic Development Council makes the following recommendations regarding the definition of Farm Market to the Planning Commission for its consideration:

1. Accept the new definition of Farm Market that includes the requirement that a minimum of 25% of the gross receipts must be from goods produced in Loudoun County.
2. General solution to the Farm Market/Lowry zoning issue:
Return the **Farm Market category** to Agricultural Uses (pg 4, last line Reference Document) as a **Permitted Use** with the new Farm Market definition from page 3 (Ref Doc). **Retain the Farm Market Use Type under the Retail Sales and Service Category on page 7 (Ref Doc), however, change this use to require a Special Exception.** In this manner the traditional agriculture use that permitted the Farm Market on the corner of a rural farm could be maintained as is, albeit with the new definition. Additionally, it would allow the Lowrys (and anyone else who so desired) to operate a Farm Market facility in a commercial location, but still allow the County to prevent someone from starting a Farm Market in an unsuitable location.
3. For AR-1 and AR-2, JLMA -1, -2, -3, -10 and -20 rural locations, the REDC recommends that the Farm Market still only be required to provide a Rural Sketch Plan. However, for commercial locations the operators should be required to provide a standard Site Plan as is standard in such areas.
4. The REDC does not have the requisite expertise to address possible zoning effects the above recommendations have and defers to the Planning Commission to address such issues.

Thank you for your consideration of this matter.



Doug Fabboli, Chair, REDC

Enc. Memorandum to Planning Commission from Michelle M. Lohr

COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
MEMORANDUM

DATE: February 14, 2008
TO: Loudoun County Planning Commission
FROM: Michelle M. Lohr, Project Manager
SUBJECT: **Farm Markets in Various Zoning Districts – ZOAM 2007-0004**
February 21, 2008 Committee of the Whole

EXECUTIVE SUMMARY

The Planning Commission initiated an intent to amend the zoning ordinance at its July 9, 2007 meeting to add Farm Markets without agricultural production on-site, which sell agricultural, horticultural, and aquacultural goods produced in Loudoun County, as a permitted use pursuant to Section 5-603 in the following zoning districts: AR-1 (Agricultural Rural-1), AR-2 (Agricultural Rural – 2), JLMA-2 (Joint Land Management Area – 2), R-1 (Single Family Residential), R-2 (Single Family Residential), R-3 (Single Family Residential)), R-4 (Single Family Residential), R-8 (Single Family Residential), R-16 (Townhouse/Multifamily Residential), R-24 (Multifamily Residential), PD-CC (Planned Development – Commercial Center), PD-OP (Planned Development – Office Park), PD-RDP (Planned Development – Research and Development Park), PD-IP (Planned Development – Industrial Park), and PD-GI (Planned Development – General Industry). The proposal also seeks to amend the Additional Regulations for Specific Uses related to Farm Markets and to amend the definition of Farm Market.

A public hearing was held on the matter on November 19, 2007 with the Planning Commission voting that evening (5-1-1-2) to recommend approval of the amendment. On January 8, 2008, the Board of Supervisors held a public hearing at which three persons spoke regarding the issue. The Board of Supervisors voted (9-0) to return ZOAM 2007-0004 to the Planning Commission for further review and with part of that review to include input from the Rural Economic Development Council (REDC) before returning the proposed zoning ordinance amendment to the Board of Supervisors.

Staff Recommendation: Staff recommends that the Planning Commission proceed with Option 2 to address the inconsistencies between the definition of Farm Market and the Additional Regulations for Farm Markets in Section 5-603(A) and to solicit comments from the REDC regarding those proposed amendments. Further the issue of changing the use category of Farm Market in the JLMA 2 district should be addressed.

SUGGESTED MOTIONS:

- 1.) I move that the Planning Commission take no action regarding ZOAM 2007-0004.
- 2.) I move that the Planning Commission proceed with ZOAM 2007-0004 to address the inconsistencies between the Definition of Farm Market and the Additional Regulations for Farm Markets in Section 5-603(A). Further the issue of changing the use category of Farm Market in the JLMA 2 district should be addressed. Input from the Rural Economic Development Council should be sought.
- 3.) I move an alternate motion.

I. DISCUSSION

The purpose of this agenda item is to discuss the scope, issues and schedule of this Zoning Ordinance Amendment.

II. BACKGROUND

During the Annual Review of the zoning ordinance [ZOAM 2006-0003], a proposal was brought forward to the Planning Commission to alleviate an inconsistency in the ordinance regarding the Farm Market use. This inconsistency was discovered when a Farm Market located outside of Hamilton, Lowry's, moved its operation from the eastern side of Hamilton (zoned RC Rural Commercial) to the western side of Hamilton (zoned JLMA-2 Joint Land Management Area 2). At the RC location, the use would be permitted as simply retail. However, a retail operation of the type conducted at the former location is not permitted in the JLMA 2 district; thus, the operation would have to change to conform to a use permitted in the district, such as a Farm Market.

The Annual Review of the Zoning Ordinance [ZOAM 2006-0003] addressed the definition of Farm Market and expanded it to only require a minimum of 25% of the agricultural products to be produced in Loudoun County. An inconsistency between the Farm Market definition and the Additional Regulations for Farm Markets remains in that Section 5-603 requires a minimum of 25% of the gross sales receipts be derived from agricultural products produced on-site or other property owned by the operator. ZOAM 2007-0004 addresses this inconsistency by proposing to change the 25% requirement from on-site or other property owned by the operator to products produced in the County.

The Lowry Dilemma. During the Annual Review process, an additional zoning barrier for the Lowry's to locate at the JLMA 2 property was identified. In the JLMA district the Farm Market use, although permitted by right, is included within the broad Use Category of "Agriculture Support and Services directly related to on-going agriculture, horticulture and animal husbandry activity, on-site". [emphasis added] Thus, because of the structure of the ordinance, the Farm Market use must be located on the site of on-going agriculture. As Lowry's does not produce the agricultural products on site, this requirement cannot be met.

The Planning Commission addressed this zoning construct problem with ZOAM 2007-0004 by proposing to move the Farm Market use from the Use Category of "Agriculture Support and Services Directly Related to on-going agriculture..." to the Use Category of "Retail Sales and Service." By moving the Farm Market "Use Type" to the Retail Sales and Service "Use Category," this zoning issue can be resolved for the Lowry's.

III. PROPOSED ZONING ORDINANCE AMENDMENTS

A. Section 5-603(A) [Additional Regulations for Farm Markets]

A minimum of 25% of the gross sales receipts must be derived directly from agricultural, horticultural or aqua cultural products produced on site in Loudoun County. An annual report verifying the portion of sales derived from products produced in the County shall be submitted on request to the Zoning Administrator.

B. Article 8 - Definitions

Farm Market: A principal use which includes the sale of agricultural, horticultural or aquacultural products including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider and similar agriculture products. A minimum of 25% of the products must be agricultural horticultural or aquacultural products produced ~~on-site~~ in Loudoun County.

Please note that following the initiation of this amendment, the Board of Supervisors with the adoption of the Annual Review [ZOAM 2006-0003] on December 3, 2007 that addresses this recommendation as follows:

Farm Market: A principal use which includes the sale of aquacultural, horticultural or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider and similar agricultural products. A minimum of twenty-five percent (25%) of the products sold must be aquacultural, horticultural or agricultural products produced within the County ~~on-site~~.

C. Farm Market is added or reclassified as a permitted use in the following zoning districts:

TABLE 2-1103 JLMA-2 JOINT LAND MANAGEMENT AREA-2 DISTRICT USE TABLE			
P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	JLMA-2	ADDITIONAL REGULATIONS FOR SPECIFIC USES
RESIDENTIAL USES			
Household Living	Accessory dwelling (accessory to single family detached dwelling)	P	Section 5-613
	Dwelling, single-family detached, including manufactured housing	P	Manufactured housing subject to Section 5-620
	Guest house (accessory to single family detached dwelling)	P	Section 5-612
	Home occupation (accessory to single family detached dwelling)	P	Section 5-400
	Model home	P	Section 5-500(A)
	Portable dwelling/trailer during construction of primary residence	P	Section 5-500
Group Living	Congregate housing facility	S	
	Continuing care facility	S	

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TABLE 2-1103 JLMA-2 JOINT LAND MANAGEMENT AREA-2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	JLMA-2	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Orphanage or similar institution	S	
	Tenant dwelling	S	Section 5-602
AGRICULTURAL USES			
Agriculture	General Use Category	P	Section 5-626
Horticulture	General Use Category	P	Section 5-626
Animal Husbandry	General Use Category	P	Section 5-626
Agriculture Support and Services directly related to on-going agriculture, horticulture and animal husbandry activity, on-site	Agricultural processing	P	Section 5-627
	Animal care business	P	Section 5-627
	Custom operators	P	Section 5-627
	Direct market business for sale of products produced on-site-including but not limited to PYO (pick-your-own)	P	Section 5-627
	Equestrian facilities	P	Section 5-627
	Equestrian facility, on lots of less than fifty (50) acres, or without frontage on a state maintained road	S	Section 5-627
	Virginia farm winery	P	Section 5-627
	Farm based tourism events	P	Section 5-628
	Farm co-ops	P	Section 5-627
	Farm machinery sales, rental, and services	S	Section 5-627
	Farm machinery repair	P	Section 5-627
	Farm markets (moved to Retail Sales and Service)	P	Section 5-603

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TABLE 2-1103 JLMA-2 JOINT LAND MANAGEMENT AREA-2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	JLMA-2	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Mill feed and farm supply center	S	Section 5-627
	Nursery, commercial	S	Section 5-605
	Nursery, production	P	Section 5-605
	Nursery, production, without frontage on a state maintained road	S	Section 5-605
	Pet farms	P	Section 5-627
	Stable, private	P	Section 5-627
	Stable, neighborhood, on lots less than twenty-five (25) acres, or without frontage on a state maintained road	S	Section 5-627
	Wayside stand	P	Section 5-604
	Wetlands mitigation bank	P	Section 5-627
PUBLIC AND INSTITUTIONAL USES			
Day Care Facilities	Child care home	P	Section 5-609
	Child or adult day care center	S	Section 5-609
Cultural and Government Facilities	Bus shelter	P	
	Community center	S	
	Community center, HOA facilities only	P	
	Commuter parking lot, with greater than 50 spaces	S	
	Commuter parking lot, with 50 spaces or less	P	
	Library	S	

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TABLE 2-1103 JLMA-2 JOINT LAND MANAGEMENT AREA-2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	JLMA-2	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Structure or use for federal, state, County, or local governmental purposes, not otherwise listed	S	
Education	School (elementary or middle), for fifteen (15) pupils or less	S	Section 5-655
	School (elementary, middle, or high), for more than 15 pupils	S	
Park and Open Space	Cemetery	S	Section 5-637
	Mausoleum	S	Section 5-637
	Crematorium	S	Section 5-637
	Community, neighborhood or regional park, passive recreational uses	P	
	Community, neighborhood or regional park, active recreational uses	S	
Public Safety	Fire and/or rescue station	S	Section 5-638
	Police station or substation	S	Section 5-638
Religious Assembly	Church, synagogue or temple, with seating capacity of 300 or less in sanctuary or main area	P	Section 5-639
	Church, synagogue or temple, with seating capacity of more than 300 in sanctuary or main activity area, or with accessory schools, day care centers with more than 50 children, recreational facilities	S	Section 5-639
Utility	Public utility service center and storage yard	S	Section 5-621
	Recycling drop off collection center, public	P	Section 5-607
	Recycling drop off collection center, private	S	Section 5-607

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TABLE 2-1103 JLMA-2 JOINT LAND MANAGEMENT AREA-2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	JLMA-2	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Sewer and water treatment plant	S	Section 5-621
	Utility substation, distribution	S	Section 5-616
	Utility transmission line, overhead (excluding connections of lines from public utility transmission lines to individual development sites)	S	Unless excepted by Section 1-103 (D)
	Sewage and Water pumping station	P	Section 5-621
	Water storage tank	S	Section 5-621
COMMERCIAL USES			
Food and Beverage	Restaurant	S	Section 5-643
Office	Construction and/or sales trailer, during period of construction activity subject to establishment of date certain for removal	P	
Recreation and Entertainment	Camp, day and boarding	S	Section 5-645
	Golf course	S	Section 5-648
Retail Sales and Service	Artist studio	S	
	<u>Farm Markets</u>	<u>P</u>	<u>Section 5-603</u>
	Small business	P/S	Section 5-614
Visitor Accommodation	Bed and breakfast homestay	P/S	Section 5-601
	Bed and breakfast inn	S	Section 5-601
INDUSTRIAL USES			
Telecommunication Use and/or	Radio and/or television tower	S	Section 5-618
	Telecommunications antenna	P	Section 5-618(A)

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TABLE 2-1103 JLMA-2 JOINT LAND MANAGEMENT AREA-2 DISTRICT USE TABLE			
P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	JLMA-2	ADDITIONAL REGULATIONS FOR SPECIFIC USES
Structure	Telecommunications monopole	P	Section 5-618(B)(1)
	Telecommunications monopole	S	Section 5-618(B)(2)
	Telecommunication tower	S	Section 5-618(C)(2)

Section 3-102 (R-1)

Add the following as a permitted use:

(X) Farm Market

Section 3-202 (R-2)

Add the following as a permitted use:

(V) Farm Market

Section 3-302 (R-3)

Add the following as a permitted use:

(U) Farm Market

Section 3-402 (R-4)

Add the following as a permitted use:

(T) Farm Market

Section 3-503 (R-8)

Add the following as a permitted use:

(R) Farm Market

Section 3-603 (R-16)

Add the following as a permitted use:

(O) Farm Market

Section 3-703 (R-24)

Add the following as a permitted use:

(O) Farm Market

Section 4-203 (PD-CC)

Add the following as a permitted use:

(A)(34) (32) Farm Market

Section 4-303 (PD-OP)

Add the following as a permitted use:

(H) (BB) Farm Market

Section 4-403 (PD-RDP)

Add the following as a permitted use:

(H) (HH) Farm Market

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Section 4-503 (PD-IP)

Add the following as a permitted use:

~~(MM)~~ (II) Farm Market

Section 4-603 (PD-GI)

Add the following as a permitted use:

~~(OO)~~ (NN) Farm Market

IV. ISSUES:

1. Are the proposed amendments achieving what is wanted? One of the proposed zoning ordinance amendments proposes to make the standards of Section 5-603(A) consistent with the definition of Farm Market to require a minimum of 25% of the gross sales receipts from products produced in Loudoun County. This takes out the requirement to produce any items on site. The other amendments address where a Farm Market should be permitted. Input should be sought from the Rural Economic Development Council to determine the effects on the agricultural community and whether the districts proposed for the Farm Market use to locate are appropriate.
2. Should the character of a Farm Market in the JLMA 2 district be changed from one that is located on the site of on-going agriculture to one that is permitted on any parcel within that district? It is noted that the Farm Market use in the AR-1 and AR-2 zoning districts, as well as the JLMA 1, JLMA 3, JLMA 20, TR 10, TR 3, TR 2, and TR-1 districts are within the use category requiring the use to be located on the site of on-going agriculture.
3. Is the scope of the amendments too broad or not broad enough? Should the amendments only address the Lowry's zoning ordinance issues, or should the Farm Market use be introduced to the 13 zoning districts proposed? Are there other zoning districts that should be modified in a similar manner as the JLMA 2 district to allow the Farm Market use to be on parcels without on-going agriculture? Should additional zoning districts be considered for the Farm Market use or some deleted from the list?
4. What are the pros and cons of adding the Farm Market use to the residential, commercial, and industrial districts specified? Are the Additional Regulations for Farm Markets (Section 5-603) sufficient? For example, as written a Farm Market commercial use could establish on a single family parcel in a subdivision without many standards. Further, the Farm Market use only requires a Rural Sketch Plan to establish the use and not a site plan.
5. Farm Market versus Farmer's Market. Does a distinction need to be made between a Farm Market (historically a principal use where a portion of the products are produced on-site) and a community Farmer's Market (where farmers bring their products to sell to the public).

V. OPTIONS:

The Planning Commission could decide to proceed in the following ways:

Option 1: Leave the ordinance as it is and not proceed further.

Option 2: Tailor the changes to the Zoning Ordinance to address the Lowry situation only and not extend the Farm Market use to the various zoning districts

identified. This would address proposed amendments to Section 5-603(A) and the JLMA 2 use list.

Option 3: Modify or expand the zoning districts to which the Farm Market use is added as a permitted use.

VI. SCOPE OF WORK AND SCHEDULE

Option 2: If the Planning Commission decides to proceed with Option 2, the ZOAM can proceed in a relatively short time frame of approximately 60 days with relatively minor staff effort.

Option 3: If the Planning Commission proceeds with Option 3, the evaluation of a comprehensive ordinance amendment involving a number of zoning districts would involve a major staff effort. The Planning Commission could review the proposed amendments in a subcommittee with input from the Rural Economic Development Council. It is possible that a new public hearing would be necessary.

VII. ATTACHMENT

1. January 8, 2008 Board of Supervisors Action Summary forwarding ZOAM 2007-0004 to the Planning Commission.

MEMORANDUM
COUNTY OF LOUDOUN

DATE: January 9, 2008

TO: Department and Agency Heads

FROM: Kirby M. Bowers, County Administrator

SUBJECT: Action Report of the January 8, 2008 Board of Supervisors Public Hearing

Listed below is a summary report of the Board's action taken at its January 8, 2008 public hearing. On items requiring follow up, the staff person responsible is noted. Please work with your staff to follow through on the Board action as noted.

1. SPEX 2007-0030 AND CMPT 2007-0017 / EASTERN LOUDOUN SHERIFF'S SUBSTATION

Supervisor Delgaudio moved that the Board of Supervisors suspend the rules. (Seconded by Supervisor Kurtz. The motion passed 9-0.)

Supervisor Delgaudio moved that the Board of Supervisors ratify the decision of the Planning Commission and approve CMPT 2007-0017, Eastern Loudoun Sheriff's Substation, based on the findings contained in the January 8, 2008 staff report.

Supervisor Delgaudio further moved that the Board of Supervisors approve SPEX 2007-0030, Eastern Loudoun Sheriff's Substation, based on the findings contained in the January 8, 2008 staff report and subject to the Conditions of Approval dated January 3, 2008. (Seconded by Supervisor Kurtz. The motion passed 9-0.)

Staff Contact: Sophia Fisher, Department of Planning

2. ZOAM 2007-0004 / PROPOSED ZONING ORDINANCE AMENDMENT TO PERMIT FARM MARKETS IN VARIOUS ZONING DISTRICTS

Supervisor Burton moved to suspend the rules. (Seconded by Supervisor Kurtz. The motion passed 9-0.)

Supervisor Burton moved that the Board of Supervisors forward ZOAM 2007-0004, Proposed Zoning Ordinance Amendment to permit Farm Markets in Various Zoning Districts, to the Planning Commission for further review and that part of that review include an input from the Rural Economic Development Council (REDC) before forwarding to the Board of Supervisors. (Seconded by Supervisor Burk. The motion passed 9-0.)

Staff Contact: John Merrithew, Department of Planning

3. SPEX 2006-0030 / LENA AUTO SERVICE
Supervisor Miller moved that the Board of Supervisors forward SPEX 2006-0030, Lenah Auto Service, to the January 28, 2008 Transportation/Land Use Committee for a study and recommendation for further action in contemplation of the traffic consequences. (Seconded by Supervisor Kurtz. The motion passed 9-0.)
Staff Contact: Nicole Steele, Department of Planning
4. ZCPA 2006-0005 / UNIVERSITY CENTER
This item was postponed.
5. ZCPA 2007-0007, SPEX 2006-0042, AND CMPT 2007-0002 / DULLES SOUTH WATER TANKS
Supervisor Miller moved that the Board of Supervisors forward ZCPA 2007-0007, SPEX 2006-0042, and CMPT 2007-0002 to the February 5, 2008 Business Meeting for action. (Seconded by Vice Chairman Buckley. The motion passed 9-0.)
Staff Contact: Michael Elabarger, Department of Planning
6. SPEX 2006-0012 AND ZMOD 2006-0013 / INOVA HEALTH CARE CAMPUS – DULLES SOUTH
Chairman York moved that the Board of Supervisors forward SPEX 2006-0012, ZMOD 2006-0013, Inova Health Care Campus – Dulles South, to the January 28, 2008 Transportation/Land Use Committee for further review of the construction and traffic issues. (Seconded by Supervisor Miller. The motion passed 9-0.)

Supervisor Waters requested that the applicant work on the Conditions in the Special Exception with staff and assure that this information be included in the Board Packet for the February 5, 2008 Board Business Meeting Packet.
Staff Contact: Van Armstrong, Department of Planning
7. SPEX 2005-0037 AND CMPT 2005-0007 / NEXTEL SILO – ROCKLAND FARM
Chairman York moved that the Board of Supervisors forward SPEX 2005-0037 and CMPT 2005-0007, Nextel Silo- Rockland Farm, to the Transportation/Land Use Committee for further discussion. (Seconded by Supervisor Waters. The motion passed 7-0-2, Supervisors Burton and Kurtz recused from the vote.)
Staff Contact: Pat Giglio, Department of Planning
8. SPEX 2007-0001, CMPT 2007-0001 / CWS – WHITE'S FERRY
Supervisor Kurtz moved that the Board of Supervisors forward SPEX 2007-0001 and CMPT 2007-0001 – CWS White's Ferry – to the Transportation/Land Use

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Committee for further discussion. Seconded by Chairman York. The motion passed 9-0.

Staff Contact: Nicole Steele, Department of Planning

9. SPEX 2007-0012 AND CMPT 2007-0005 / CWS – TAYLORSTOWN
Supervisor Kurtz moved that the Board of Supervisors forward SPEX 2007-0012 and CMPT 2007-0005 – CWS Taylorstown – to the Transportation/Land Use Committee for further discussion of outstanding issues. (Seconded by Chairman York. The motion passed 9-0.)
Staff Contact: Nicole Steele, Department of Planning
10. SPEX 2007-0013 AND CMPT 2007-0006 / CWS – WHEATLAND
Supervisor Kurtz moved that the Board of Supervisors forward SPEX 2007-0013 and CMPT 2007-0006, CWS # 106 Wheatland, to the Transportation/Land Use Committee for further discussion of outstanding issues. (Seconded by Chairman York. The motion passed 9-0.)
Staff Contact: Stephen Gardner, Department of Planning
11. SPEX 2007-0014 AND CMPT 2007-0007 / CWS – ARLINGTON CORNER
Supervisor Kurtz moved that the Board of Supervisors forward SPEX 2007-0014 and CMPT 2007-0007, CWS Arlington Corner to the Transportation/Land Use committee for further discussion of issues. (Seconded by Chairman York. The motion passed 9-0.)
Staff Contact: Van Armstrong, Department of Planning
12. SPEX 2007-0016 AND CMPT 2007-0009 / CWS – ROUND HILL
Supervisor Kurtz moved that the Board of Supervisors forward SPEX 2007-0016 and CMPT 2007-0009, CWS Round Hill #114 to the Transportation/Land Use Committee for further discussion of outstanding issues. (Seconded by Chairman York. The motion passed 9-0.)
Staff Contact: Van Armstrong, Department of Planning

Supervisor Kurtz requested that the County's telecommunications consultant attend the Transportation/Land Use Committee and address the outstanding issues on the five sites. She also requested that the applicant provide information on whether every option had been reviewed on providing service at other locations. She requested copies of letters that the applicant sent seeking other providers for the underserved area and copies of letters showing their refusal, if applicable. She asked if the towers were being requested for cell phone coverage or for wireless internet.

Supervisor Burton requested that thorough explanation be provided on separate coverage maps for the lack of broadband and lack of cell phone coverage and that the Committee deal with these two issues separately.

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Supervisor McGimsey requested more information regarding the need as to the future of telecom.

Supervisor Waters requested information on data used in mapping out and how the additional need for towers are determined.

Supervisor Miller requested information on the difference in delivery of services on the sites where the applicant proposed two towers vs. one tower.

Chairman York requested that a total list of potential providers be provided at the Committee.

PLANNING COMMISSION OF LOUDOUN COUNTY
RESOLUTION OF INTENT TO AMEND THE LOUDOUN COUNTY ZONING ORDINANCE
July 9, 2007

WHEREAS the Loudoun County Planning Commission wishes to initiate an amendment to the Loudoun County Zoning Ordinance in furtherance of the purposes of zoning as set out in § 15.2-2283 of the Code of Virginia and ~~further~~ to further implement the comprehensive plan;

WHEREAS, the Planning Commission wishes to elaborate on the recommendations of the April 17, 2007 Board of Supervisors' resolution with regard to Farm Markets;

WHEREAS, the Planning Commission wishes to consider changes to the Loudoun County Zoning Ordinance to permitting farm markets without agricultural production on-site which sell agricultural, horticultural and aquacultural goods produced in Loudoun County. These changes include amending use tables and use lists in appropriate zoning districts and amendments to Section 5-603 (Additional Regulations for Specific Uses) and Article 8 (Definitions) and other sections and references, as necessary, to implement these amendments;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission states its intention to amend the Loudoun County Zoning Ordinance to permit Farm Markets without agricultural production on-site, which sell agricultural, horticultural and aquacultural goods produced in Loudoun County; and

BE IT FURTHER RESOLVED that these amendments are in furtherance of the public necessity, convenience, general welfare, and zoning practice; and that the proposed amendments on these matters be brought forward for notice, hearing, Planning Commission recommendation and Board of Supervisors' action.

Approved 8-0-1 (Elgin absent)

from Board of Supervisors
Strategic Plan
October 21, 2008

Staff Suggested Timeline for Policy Initiatives

	2009				2010				2011			
	1Q	2Q	3Q	4Q	1Q	2Q	3Q	4Q	1Q	2Q	3Q	4Q
Zoning												
Historic District Amendments (4 months total)												
Limestone Overlay District (8 months total)												
Sign Ordinance (12 months)												
Community Improvements (9 months)												
Review RSCOD vs. Ches Bay Act (6 months)												
Implement MDOD/Water Quality (12-15 months)												
Minor ZOAM(s) as Needed (up to 3; 4-9 months each)												
Planning												
Countywide Transportation Plan (12 months)												
Route 28 Corridor (12 months)												
Ashburn-Dulles Outreach (9 months)												
Implement Community Outreach (12 months)												
Proffer Policy Revisions * (12 months)												
Village Overlay Boundaries * (12 months)												
Legend	~6-9 month project				~12 month project				12+ month project			

* Not identified by Board at Strategic Planning Worksession, but identified by Staff as achieving the Board's Strategic Goals.

Potential Amendments/ Policy Initiatives
Revised October 2008

PLANNING PROJECTS *(Date initiated and level of effort required* in parentheses)*

Active Policy Initiatives/CPAMs

1. Leesburg JLMA/Joint Planning Area Review (10/17/2006, Major)
2. Amendment of PUGAMP policies and phasing for Patrick Henry College (7/17/07, back to Planning Commission on 3/4/08, Minor)
3. Community Outreach in Potomac and Sterling (2/5/08, Almost completed)
4. Belfort Task Force (1/15/08, Medium)

Active Policy Initiatives/CPAMs in queue

1. Countywide Transportation Plan Update - Transit Plan to be incorporated (10/4/05 - Direction received from Board on 10/7/08, Major)
2. Heritage Resources Plan (2/5/08, Minor)
3. Suburban Community Planning Initiatives- Outreach in Ashburn and Dulles (2/5/08, Medium)
4. Proffer Policies Revisions - Capital facilities and transportation (01/05, Medium)
5. Lower Middle Goose- proposes to change densities allowed in the lower portion of the Middle Goose sub-area (the 495 acre Criswell property) to 1 du/ac (9/20/05, Medium)
6. Villages and Village Commercial District Overlay Planning (reconciliation of sewer service areas, plan boundaries and zoning boundaries) (Outcome of rural remapping in 2003/2006, Major)
7. Conservation Design references in the Revised General Plan (4/19/05, Minor if just wording changes; Major if revision of all policies related to Conservation Design)
8. CPAM and ZOAM for a Rural Village Option in the Rural Policy Area (7/18/06, Major)
9. PUGAMP II (Reinitiation, 2/20/07, Minor or Major depending on breadth)

Potential CPAMs Identified in Strategic Planning Process

1. Route 28 CPAM (could take a number of forms) (Medium or Major effort)
2. Implementation of Potomac-Sterling Outreach (TBD)
3. Facilities Planning (e.g., Western Schools) (Minor)

Policy Discussions/Potential CPAMs

1. Central Utilities in Transition Area (Not CPAM, just policy discussion)
2. CPAM and Remapping regarding JLMA 20 and TR 10 for consistency with AR-1 (Not Board directed, outcome of rural remapping in 2006)

* Level of effort defined as: Minor, 4-6 months; Medium, 6-9 months; Major, 9+ months

ZONING PROJECTS *(Date initiated and level of effort required* in parentheses)*

In Progress:

1. Adoption of the Limestone Overlay District and companion zoning map amendment to implement text changes (7/15/08, *Medium*)
2. Update Historic District provisions (9/8/08, *Minor*)

ZOAMs with Intent to Amend (RIA) by BOS:

1. Creation of a sign overlay district along the Route 606 Corridor (7/6/04; *Major*)
2. Comprehensive review of Sign Ordinance (2004, *Major*)
3. Parking on Front Yards (6/2008, *Minor*)
4. Farm Markets (*Initiated by PC in 7/2007, again in 5/2008, Minor*)
5. Create an alternative PD-RV district (7/2006, *Major*)

Potential ZOAMs identified by others:

1. An amendment to regularize the so-called "townhouses" in Cascades Section 13 pursuant to a settlement agreement made in 1998. (*Staff identified, Minor*)
2. Comprehensive review of Article 7, Affordable Dwelling Units. A companion amendment to the Codified Ordinance may also be necessary. (*ADUAB identified, Major*)
3. Environmental regulations (*Major*)
 - A. Revisit, re-tool, and implement Green Infrastructure policies of the Plan through zoning ordinance amendments.
 - B. Update and adopt Mountainside Overlay District (MDOD) revisions based on 2003 amendments
 - C. Revise steep slopes standards for consistency with Green Infrastructure policies and MDOD.
 - D. Update and adopt River and Stream Corridor Overlay District (RSCOD) based on 2003 amendments.
3. Allow for a mix of uses in the CLI district (*Initiated by PC in 2007, Major*)
4. Annual Review of the Zoning Ordinance (*Discussed by Board in 2007, Major*)
5. Revise Article 6 on rezoning and special exception process to solely reflect the Code of Virginia and address checklist requirements (*Staff identified, Minor*)
6. Amend hamlet regulations to resolve pending litigation issue (*Staff identified, Minor*)
7. Remap JLMA-20 and TR-10 for consistency with AR-1 (*Staff identified, Medium*)
8. Amend enforcement provisions to allow issuance of inspection warrants by magistrate (*Staff identified, Minor*)
9. Allow nonconforming uses that have been paying property taxes for 15 years or more to be considered a conforming use (*Staff identified, Minor*)
10. Structures allowed by a variance may expand without another public hearing process (*Staff identified, Minor*)
11. Disclosure requirement changes (*Staff identified, Minor*)

* Level of effort defined as: Minor, 4-6 months; Medium, 6-9 months; Major, 9+ months

12. Adjustment of acreage requirements for agricultural/horticultural uses (*Staff identified, Minor*)

Potential ZOAMs Identified in Strategic Planning Process

1. Update and adopt environmental overlay regulations (*Major*)
2. Alternatives to address Sign Ordinance issue (*Minor to Major, depending on scope of work*)
3. Incentives for increasing/maintaining tree canopies (*Minor to Medium, depending on scope of work*)
4. Adopt all portions of Property Maintenance Code for enforcement by Zoning (*Minor*)
5. Adopt recent Code of Virginia changes for Administrative Warrants (*Minor*)

Major Rezoning Applications

1. Broadlands Regional Medical Center
2. Remaining Upper Broad Run/Upper Foley Transition Area cases (Greenfields, Westport)
3. Middle Goose
4. Dulles Town Center

Board-initiated re-zonings

1. Leesburg West JLMA (Crosstrail Property)
2. Loudoun Valley Estates III:
3. Green Property:
4. East Gate ZCPA for Transportation Improvements

* Level of effort defined as: Minor, 4-6 months; Medium, 6-9 months; Major, 9+ months